

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARSH USA, INC., a Delaware  
corporation; and MARSH &  
MCLENNAN COMPANIES, INC., a  
Delaware corporation,

Plaintiffs,

vs.

CHAD W. KARASAKI,

Defendant.

CIVIL NO. 08 C.V. 4195 (JGK)

DECLARATION OF DEBORAH L.  
PARK

DECLARATION OF DEBORAH L. PARK

I, DEBORAH L. PARK, declare:

1. I am a Vice President with Marsh USA Inc. ("Marsh") in Honolulu, HI.
2. MNS, Inc., dba ABC Stores ("MNS") was a long-standing client of Marsh, dating back to approximately 1982. Marsh procured and serviced various lines of insurance for MNS, including workers' compensation insurance.
3. In the normal course of my work for Marsh I attended a meeting with MNS and First Insurance Co. of Hawaii ("First Insurance") on January 4, 2008 with Chad W. Karasaki ("Karasaki"), then the Head of Marsh Hawaii office and the broker in charge of the MNS account.

4. MNS had changed its workers compensation insurer from another insurer to First Insurance effective with the December 31, 2007 renewal. Karasaki had asked me to schedule the January 4, 2008 meeting to introduce the First Insurance's workers compensation team to MNS, and discuss reporting protocols, MNS' expectations and related subjects.

5. At the January 4, 2008 meeting, a claims review for MNS workers compensation policy with First Insurance was scheduled for Thursday, April 3, 2008 at 2 p.m. at MNS' corporate offices in Pohukaina Street in Honolulu.

6. A claims review is an important aspect of servicing our clients. It involves, among other things, representatives of MNS, Marsh and the workers' compensation insurer, in this instance First Insurance, reviewing claims to date under the current workers' compensation policy.

7. On or about March 10, 2008, I learned that Karasaki had resigned from Marsh and joined AON, our main and direct competitor.

8. On Tuesday, March 25, 2008, I received a voice mail message from Riki S. Morimoto ("Morimoto"), Executive Vice President and Chief Financial Officer of MNS, who said that the MNS account would leave Marsh and move over to AON effective immediately, and that letters from MNS confirming this were in the mail.

9. I saved Morimoto's voice-mail. Morimoto's exact words in the voicemail message were:

“Yea, hi Debbie this is Riki Morimoto, ABC Stores. I just wanted to, to let you know that we’re going to switch, to Aon, with Chad, so we’re sending out the letters today. I wanted to give you the heads up first, I’m not sure how this transition thing is going to work. I know we have that upcoming meeting with First Insurance, but, if you can give me a call later when you get back, my number is 591-2550. OK, thank you very much Debbie, bye, bye.”

10. Morimoto confirmed that MNS would be transferring its account to Aon in a telephone conversation with me on March 27, 2008.

11. On Friday, April 4, 2008, Linda O’Reilly (O’Reilly”), Workers’ Compensation Claims Supervisor at First Insurance told me that the claims review for MNS was not held on Thursday, April 3, 2008.

12. Instead, O’Reilly said that the claims review was held in the morning on Friday, April 4, 2008, and was attended by the following: on behalf of MNS, Morimoto, Neil Y. Ishida, Director of Human Resources, Leanne Okimoto, Human Resources Assistant, and Terry Min; on behalf of First Insurance, O’Reilly and First Insurance's Workers’ Compensation Claims Adjustor (who I understand was Shanalee Kuikahi), and on behalf of AON, Chad Karasaki.

13. O'Reilly told me she was calling to obtain a confirmation regarding the effective dates of the transfer of the account because First Insurance's underwriting had not received a Broker of Record letter from MNS..

This declaration is made pursuant to 28 U.S.C. § 1746(2). I declare under penalty of perjury that the foregoing is true and correct.

Executed on Wednesday, April 30, 2008 at Honolulu, Hawaii.

A handwritten signature in cursive script, appearing to read "Deborah L. Park", written over a horizontal line.

DEBORAH L. PARK

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MARSH USA INC. ET AL. v. CHAD W. KARASAKI (SDNY);  
DECLARATION OF DEBORAH L. PARK